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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,916	07/14/2003	Damien Kessler	SNY-N3783.01	7970
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MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606				LIN, JASON K
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/618,916	KESSLER ET AL.	
	Examiner	Art Unit	
	JASON K. LIN	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,8-10 and 14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5,8-10 and 14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 14 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This office action is responsive to application No. 10/618,916 filed on 11/18/2008. **Claims 1-5, 8-10, and 14** are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to **Claims 1-5, 8-10, and 14** have been considered but are moot in view of the new ground(s) of rejection.

Although new ground(s) of rejection has been made, the examiner deems it necessary address applicant's remark(s).

Applicant asserts on P.7: lines 5-15, that "In Klopfenstein, the user cannot conclude that the channel is MPEG if it is not PSIP since evidently the channel might also be analog."

In response the examiner respectfully disagrees. The claims explicitly recite comprising, which means that there could be other elements besides those mentioned in the claim. Klopfenstein, although teaches additional elements, still covers the claimed limitation, and therefore still meets the claim. Klopfenstein, when determines the channel is not PSIP compliant, and determines the channel is not analog, will again check and can conclude that the channel is MPEG compliant. Therefore, it can conclude that the channel is MPEG compliant if it is not PSIP compliant.

Applicant asserts on P.7: line 16 – P.8: line 2, "However, the Jerding reference says that at least five tables are used. Moreover, the undersigned is unable to identify the table divisions as claimed in Jerding or any teaching that would suggest the table arrangement claimed..."

In response, the examiner respectfully disagrees. Once again, examiner would like to point out that claims recite comprising, which means there could be more elements than those mentioned in the claim. However in combination, the limitation "if the selected physical channel is an MPEG compliant channel: storing no additional attributes in the second and third lookup table" is taught by the combination of cited references, Klopfenstein, Wasilewski, and Jerding.

Klopfenstein - Col. 6 Line 56 – Col 7: line 4 teaches only updating the database to conclude that the physical channel is an MPEG compliant channel. *Since after checking that the channel is not PSIP, no values associated with PSIP are stored in memory*, Wasilewski - Col 7: lines 45-49, Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables. *It can be seen that Klopfenstein will not store additional attributes regarding PSIP when the channel is MPEG. Jerding teaches storing different entries being stored in different lookup tables. The resulting combination would result in the system having separate entries on different lookup tables of whether a major channel associated with the physical channel is or is not PSIP compliant, TSID entries, and major channel entries. Therefore, in combination, when the channel is concluded to be MPEG, since no PSIP information is stored, both second and third lookup tables containing entries of TSID and major channel pertaining to PSIP are not stored.* This has also been recited in the rejection below.

Applicant's assert that "Note that this means for an MPEG compliant channel, the tuning process can be carried out quickly for MPEG channels since

only a single simple table is referenced.” Although this result may be true, it is however not claimed, and does not carry any weight on the pending claims.

Based on the foregoing, the combination of cited references Klopfenstein, Wasilewski, and Jerding continue to teach the current pending claims of record.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4, 6, 8-11 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klopfenstein (US 7,024,676), in view of Wasilewski (US 5,600,378), and further in view of Jerding et al. (US 6,792,616).

Consider **claim 1**, Klopfenstein teaches a method for storing channel information in a digital television receiver (Abstract, Figs.3&4), comprising:

tuning to a selected physical channel (205-Fig.3; Col 6: lines 50-53);

reading program specific information (PSI) on the selected physical channel (210-Fig.3; Col 6: lines 53-56);

determining from the PSI whether the physical channel is PSIP compliant, and if not concluding that the physical channel is an MPEG

compliant channel (Fig. 3; Col 4: lines 38-67 teaches receiving program specific information, which also contains information on whether the channel is MPEG PSI, PSIP, etc. Col. 6 Line 56 – Col 7: line 4 teaches checking to see if the channel is PSIP. *In the case where, the system checks and it is not PSIP, and if it is not analog, the system can conclude that the channel is an MPEG channel;*

storing in a lookup table an attribute explicitly designating as a table entry that a major channel associated with the physical channel is or is not a PSIP compliant channel (Col 5: lines 3-7, 26-29; 215-Fig.3, 220-Fig.3; Col 6: lines 53 – Col 7: line 7 teaches updating the internal database to associate a particular received channel as a PSIP type, analog type, MPEG PSI type, no associated type. *The channel type attributes listed as PSIP, analog, MPEG PSI, or no associated type is an explicit attribute that designates whether or not that channel is PSIP compliant or not. So if a channel is listed as a PSIP type, it is a PSIP compliant channel, if it is listed as another type besides PSIP, it is not a PSIP compliant channel;*

if the selected physical channel is a PSIP compliant channel (Col 9: lines 48-50):

storing a major channel corresponding to the selected physical channel as entries in a lookup table (Col 10: lines 19-33, Col 8: lines 44-47).

storing program specific information from a physical channel containing: network information, network identification information and

linking data, which is used to enable tuning to a desired channel (Col 4:

lines 38-49); and

if the selected physical channel is an MPEG compliant channel:

storing no additional attributes regarding PSIP such as TSID and major channel (Col. 6 Line 56 – Col 7: line 4 teaches only updating the database to conclude that the physical channel is an MPEG compliant channel.

Since after checking that the channel is not PSIP, no values associated

with PSIP are stored in memory).

Klopfenstein does not explicitly teach storing a TSID corresponding to the selected physical channel as entries in a lookup table;

storing entries in separate first, second, and third lookup tables.

In an analogous art Wasilewski teaches, storing a network information table which specifies the correspondence between TSIDs and physical channels as entries in a lookup table (NIT36-Fig.2; Col 4 line 65 - Col 5: line 3);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Klopfenstein's system to include storing a TSID corresponding to the selected physical channel as entries in a lookup table, as taught by Wasilewski, for the advantage of facilitating the tuning of a physical channel corresponding to that of a virtual channel referenced by a particular TSID (Wasilewski - Col 7: lines 45-49).

Klopfenstein and Wasilewski do not explicitly teach storing entries in separate first, second, and third lookup tables.

In an analogous art Jerding teaches, storing entries in separate first, second, and third lookup tables (Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Klopfenstein and Wasilewski to include storing entries in separate first, second, and third lookup tables, as taught by Jerding, for the advantage of allowing information to be organized in a simpler manner, providing clearer distinctions between different tables, allowing for different specific information to be found quicker and more efficiently.

In regards to the last limitation "if the selected physical channel is an MPEG compliant channel: storing no additional attributes in the second and third lookup tables," it is taught by the combination of Klopfenstein, Wasilewski, and Jerding (Klopfenstein - Col. 6 Line 56 – Col 7: line 4 teaches only updating the database to conclude that the physical channel is an MPEG compliant channel. *Since after checking that the channel is not PSIP, no values associated with PSIP are stored in memory,* Wasilewski - Col 7: lines 45-49, Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables. *It can be seen that Klopfenstein will not store additional attributes regarding PSIP when the channel is MPEG. Jerding teaches storing different entries being stored in different lookup tables. The resulting*

combination would result in the system having separate entries on different lookup tables of whether a major channel associated with the physical channel is or is not PSIP compliant, TSID entries, and major channel entries. Therefore, in combination, when the channel is concluded to be MPEG, since no PSIP information is stored, both second and third lookup tables containing entries of TSID and major channel pertaining to PSIP are not stored).

Consider **claim 8**, Klopfenstein teaches a method of autoprogramming channel information in a digital television receiver, comprising for each of a plurality of N physical channels (Abstract, Figs.3): tuning to a selected physical channel (205-Fig.3; Col 6: lines 50-53); reading program specific information (PSI) on the selected physical channel (210-Fig.3; Col 4: lines 38-67, Col 6: lines 53-56); determining from the PSI whether the physical channel is PSIP compliant, and if not, then concluding that the physical channel is an MPEG compliant channel (Fig. 3; Col 4: lines 38-67 teaches receiving program specific information, which also contains information on whether the channel is MPEG PSI, PSIP, etc. Col. 6 Line 56 – Col 7: line 4 teaches checking to see if the channel is PSIP. *In the case where, the system checks and it is not PSIP, and if it is not analog, the system can conclude that the channel is an MPEG channel;*);

storing in a lookup table an attribute explicitly designating as a table entry that a major channel associated with the physical channel is or is not a PSIP compliant channel (Col 5: lines 3-7, 26-29; 215-Fig.3, 220-Fig.3; Col 6: lines 53 – Col 7: line 7 teaches updating the internal database to associate a particular received channel as a PSIP type, analog type, MPEG PSI type, no associated type. *The channel type attributes listed as PSIP, analog, MPEG PSI, or no associated type is an explicit attribute that designates whether or not that channel is PSIP compliant or not. So if a channel is listed as a PSIP type, it is a PSIP compliant channel, if it is listed as another type besides PSIP, it is not a PSIP compliant channel;*

if the selected physical channel is a PSIP compliant channel (Col 9: lines 48-50):

storing a major channel corresponding to the selected physical channel as entries in a lookup table (Col 10: lines 19-33, Col 8: lines 44-47); and

storing program specific information from a physical channel containing: network information, network identification information and linking data, which is used to enable tuning to a desired channel (Col 4: lines 38-49);

if the selected physical channel is an MPEG compliant channel: storing no additional attributes regarding PSIP such as TSID and major channel (Col. 6 Line 56 – Col 7: line 4 teaches only updating the database to conclude that the physical channel is an MPEG compliant channel.

Since after checking that the channel is not PSIP, no values associated with PSIP are stored in memory).

Klopfenstein does not explicitly teach storing a TSID corresponding to the selected physical channel as entries in a lookup table; storing entries in separate first, second, and third lookup tables.

In an analogous art Wasilewski teaches, storing a network information table which specifies the correspondence between TSIDs and physical channels as entries in a lookup table (NIT36-Fig.2; Col 4 line 65 - Col 5: line 3);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Klopfenstein's system to include storing a TSID corresponding to the selected physical channel as entries in a lookup table, as taught by Wasilewski, for the advantage of facilitating the tuning of a physical channel corresponding to that of a virtual channel referenced by a particular TSID (Wasilewski - Col 7: lines 45-49).

Klopfenstein and Wasilewski do not explicitly teach storing entries in separate first, second, and third lookup tables.

In an analogous art Jerding teaches, storing entries in separate first, second, and third lookup tables (Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Klopfenstein and Wasilewski to include

storing entries in separate first, second, and third lookup tables, as taught by Jerding, for the advantage of allowing information to be organized in a simpler manner, providing clearer distinctions between different tables, allowing for different specific information to be found quicker and more efficiently.

In regards to the last limitation "if the selected physical channel is an MPEG compliant channel: storing no additional attributes in the second and third lookup tables," it is taught by the combination of Klopfenstein, Wasilewski, and Jerding (Klopfenstein - Col. 6 Line 56 – Col 7: line 4 teaches only updating the database to conclude that the physical channel is an MPEG compliant channel. *Since after checking that the channel is not PSIP, no values associated with PSIP are stored in memory,* Wasilewski - Col 7: lines 45-49, Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables. *It can be seen that Klopfenstein will not store additional attributes regarding PSIP when the channel is MPEG. Jerding teaches storing different entries being stored in different lookup tables. The resulting combination would result in the system having separate entries on different lookup tables of whether a major channel associated with the physical channel is or is not PSIP compliant, TSID entries, and major channel entries. Therefore, in combination, when the channel is concluded to be MPEG, since no PSIP information is stored, both second*

and third lookup tables containing entries of TSID and major channel pertaining to PSIP are not stored).

Consider **claim 2**, Klopfenstein, Wasilewski, and Jerding teach incrementing the physical channel (Klopfenstein - 205-Fig.3; Col 6: lines 50-53);

tuning to the incremented physical channel (Klopfenstein - 205-Fig.3; Col 6: lines 50-53);

reading program specific information (PSI) on the incremented physical channel (Klopfenstein - Fig.3; Col 4: lines 38-67, Col 6: lines 53-56);

determining from the PSI whether the incremented physical channel is PSIP compliant, and if not, then concluding that the physical channel is an MPEG compliant channel (Klopfenstein - Fig.3; Col 4: lines 38-67 teaches receiving program specific information, which also contains information on whether the channel is MPEG PSI, PSIP, etc. Col. 6 Line 56 – Col 7: line 4 teaches checking to see if the channel is PSIP. *In the case where, the system checks and it is not PSIP, and if it is not analog, the system can conclude that the channel is an MPEG channel);*

storing an attribute in the first lookup table designating whether the incremented physical channel is a PSIP complaint channel (Klopfenstein - Col 5: lines 3-7 and 26-29, 215&220-Fig.3, Col 6: lines 56-60; Jerding -

Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches

storing entries in multiple lookup tables);

if the incremented physical channel is a compliant PSIP channel

(Klopfenstein - Col. 9 lines 48-50):

storing a TSID corresponding to the incremented physical channel

as entries in the second lookup table (Klopfenstein - Col 4: lines 38-49

teaches storing program specific information from a physical channel

containing: network information, network identification information and

linking data, which is used to enable tuning to a desired channel;

Wasilewski - NIT36-Fig.2; Col 4 line 65 - Col 5: line 3; Jerding - Col 5:

lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing

entries in multiple lookup tables); and

storing a major channel corresponding to the incremented physical

channel as entries in the third lookup table (Klopfenstein - Col 10 lines 9-

33, Col 8 lines 44-47; Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and

Col 11: lines 39-57 teaches storing entries in multiple lookup tables).

Regarding **claim 9**, the limitations are addressed in the rejection of

claims 1 and 2 above.

Consider **claims 3 and 10**, Klopfenstein, Wasilewski, and Jerding

teach after the incrementing, determining if selected physical channel is a

last physical channel, and if so, then stopping (Klopfenstein - 207-Fig.3; Col 7: lines 10-14).

Consider **claim 4**, Klopfenstein, Wasilewski, and Jerding teach the method of claim 3, carried out as an automatic channel programming process in a digital television receiver (Klopfenstein – Col 7: lines 7-14).

Consider **claims 5 and 14**, Klopfenstein, Wasilewski, and Jerding teach wherein the three lookup tables are stored in a non-volatile memory device (Klopfenstein - Col 5: lines 3-7, 26-29; 215-Fig.3, 220-Fig.3; Col 6: lines 53 – Col 7: line 7; Col 10: lines 19-33, Col 8: lines 44-47; Col 4: lines 38-49; Wasilewski - NIT36-Fig.2; Col 4 line 65 - Col 5: line 3; Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables; Col 3: lines 33-367 teaches the information is stored in nonvolatile memory).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/
Examiner, Art Unit: 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425